



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 24, 2023

The Honorable Melony Griffith
Chair, Finance Committee
3 East Miller Senate Office Building
Annapolis, MD 21401-1991

RE: SB 795 –Wicomico County - Alcoholic Beverages - Cigar Lounge License - Letter of Opposition

Dear Chair Griffith and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of opposition for Senate Bill (SB) 795 - Wicomico County - Alcoholic Beverages - Cigar Lounge License. SB 795 will establish a Class B-CL (cigar lounge) beer, wine, and liquor license in Wicomico County for use at a cigar lounge. This license will allow a cigar lounge to serve alcohol for on-site consumption while being exempted from the requirements of the Clean Indoor Air Act.

If enacted, this bill would undermine the Clean Indoor Air Act (CIAA) and will result in increased exposure to secondhand smoke for Marylanders. In 2007, the Maryland General Assembly passed landmark legislation establishing the CIAA, which adopted minimum statewide protections from exposure to secondhand smoke in places of employment and public places, including, but not limited to, stores, restaurants, and bars. Exempted from these provisions were retail tobacco businesses in which the primary activity is the retail sale of tobacco products and the sale of other products is incidental.

This bill creates a loophole that undermines the CIAA's mandate to keep smoking out of bars and restaurants. Specifically, SB 795 does not establish any limits on the sale of alcohol at cigar lounges, and amends Health-General §24-505 to allow a business in Wicomico County to operate under a Class B-CL license where the primary activity is *not* the retail sale of tobacco products. In effect, SB 795 allows a “cigar lounge” to act as a restaurant or bar which is not subject to the CIAA.

While MDH rarely engages in local matters before the General Assembly, MDH is charged with enforcing the CIAA, and SB 795 would critically impair these efforts. Furthermore, the bill establishes a precedent that may lead to other jurisdictions and establishments requesting that they should also be permitted to allow smoking. Part of the success of the CIAA is the ability of MDH, with its partners at the Department of Labor and local health departments, to establish uniform and consistent standards for businesses and other public indoor spaces across the State.

If you would like to discuss this further, please do not hesitate to contact Megan Peters, Acting Director of Governmental Affairs at megan.peters@maryland.gov or (410) 260-3190.

Sincerely,

A handwritten signature in blue ink, appearing to read "LH Scott".

Laura Herrera Scott M.D., M.P.H
Secretary